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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 SHERRY-ELIZABETH BECKER,

8 Plaintiff,

9 vs.

10 SCOTT MATTHEW LONG,

11 Defendants.

NO: 4:21-CV-5096-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE

12 BEFORE THE COURT are Plaintiff's Complaint and a Motion for Cause
13 Case Sealed / Private Cause in Equity, both filed under seal. ECF Nos. 1, 3. The
14 Court has reviewed the record and files herein and is fully informed.

15 **BACKGROUND**

16 Plaintiff, a resident of Benton City, Washington filed this suit against
17 Defendant, a resident of Pasco, Washington. Plaintiff claims Defendant "never
18 fully complied with the specified terms of his contract." ECF No. 1 at 4. In
19 summary, this is a suit for breach of contract for failing to repair and repaint an
20 automobile. Plaintiff seeks \$15,444.00 in damages and the return of certain

1 property (dash bezel, door handles and window handles. *Id.* at 7. Plaintiff invokes
2 this Court’s jurisdiction pursuant to “Equity under Art. III sect. 2 clause 1 and
3 Judiciary Act 1789 substantive right to due process.” *Id.* at 3.

4 **DISCUSSION**

5 Courts are obligated to consider *sua sponte* issues regarding subject-matter
6 jurisdiction. *See Gonzalez v. Thaler*, 565 U.S. 134, 141 (2012).

7 Plaintiff invokes “Equity under Art. III sect. 2 clause 1 and Judiciary Act
8 1789 substantive right to due process.” Article III, section 2 of the United States
9 Constitution essentially grants judicial power over cases arising under the
10 Constitution. A simple breach of contract action between two private parties does
11 not arise under the Constitution of the United States. Accordingly, the Court does
12 not have subject matter jurisdiction on this basis.

13 The court must now determine whether it has diversity jurisdiction over
14 Plaintiff’s claims pursuant to 28 U.S.C. § 1332(a). United States District Courts
15 have original subject-matter jurisdiction over cases between citizens of different
16 states and in which the amount in controversy exceeds \$75,000, exclusive of
17 interest and costs. 28 U.S.C. § 1332(a). A plaintiff invoking a federal court’s
18 diversity jurisdiction has the burden of establishing that § 1332(a)’s diversity of
19 citizenship and amount-in-controversy requirements have been satisfied. *See Hertz*
20 *Corp. v. Friend*, 559 U.S. 77, 96-97 (2010).

1 Here, both Plaintiff and Defendant are residents of the State of Washington,
2 thus no diversity of citizenship exists. Moreover, the amount in controversy does
3 not exceed \$75,000. Thus, both bases for diversity jurisdiction are lacking and this
4 Court does not have subject matter jurisdiction to proceed. No other basis for
5 subject matter jurisdiction exists for this case to proceed in federal court. The
6 Washington State court is the proper forum for this lawsuit.


7 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 8 1. Plaintiff's Motion for Cause Case Sealed / Private Cause in Equity, ECF
9 No. 3, is **DENIED** in part. Because the Complaint and the attachments
10 thereto, ECF No. 1, contain privacy protected information, it shall remain
11 sealed. The remaining documents, this Order and the file shall be
12 unsealed by the Clerk of Court.
- 13 2. Plaintiff's Complaint at ECF No. 1 is **DISMISSED without prejudice** to
14 refile it in State Court.

15 The District Court Executive is directed to enter this Order and Judgment
16 accordingly, furnish copies to Plaintiff, and **CLOSE** the file.

17 **DATED** June 24, 2021.




THOMAS O. RICE
United States District Judge